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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TREVION DARNELL MITCHELL,

15 Defendant.
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Case No. 2:21-CR-00156-JCM-VCF-1

**STIPULATION TO EXTEND REPLY
DEADLINE**
(Fourth Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Kenneth Nicholas Portz, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Raquel Lazo, Assistant Federal Public Defender, counsel for Trevion Darnell Mitchell, that the
21 reply deadline to the government's response currently due August 31, 2022 be vacated and
22 extended to September 14, 2022.

23 The Stipulation is entered into for the following reasons:

24 1. Mr. Mitchell's reply brief is currently due on August 31, 2022, the same day a
25 hearing has been scheduled on defense counsel's motion to withdraw as counsel. ECF No. 61.
26

1 In the event the motion to withdraw is denied, defense counsel will require additional time to
2 draft and file the reply.

3 2. The defendant is incarcerated and does not object to the continuance.

4 3. The parties agree to the continuance.

5 4. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for defendant sufficient time within which to be able to effectively and
7 complete investigation of the discovery materials provided.

8 5. Additionally, denial of this request for continuance could result in a miscarriage
9 of justice. The additional time requested by this Stipulation is excludable in computing the time
10 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
11 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
12 Section 3161(h)(7)(B)(i), (iv).

13 This is the fourth stipulation to continue pretrial motion deadlines filed herein.

14 DATED this 25th day of August 2022.

15 RENE L. VALLADARES
16 Federal Public Defender

JASON M. FRIERSON
United States Attorney

17 */s/ Raquel Lazo*
By _____

/s/ Kenneth Nicholas Portz
By _____

18 RAQUEL LAZO
19 Assistant Federal Public Defender

KENNETH NICHOLAS PORTZ
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 TREVION DARNELL MITCHELL,

7 Defendant.

Case No. 2:21-CR-00156-JCM-VCF-1

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Mr. Mitchell's reply brief is currently due on August 31, 2022, the same day a
14 hearing has been scheduled on defense counsel's motion to withdraw as counsel. ECF No. 61.
15 In the event the motion to withdraw is denied, defense counsel will require additional time to
16 draft and file the reply.

17 2. The defendant is incarcerated and does not object to the continuance.

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20 merely to allow counsel for defendant sufficient time within which to be able to effectively and
21 complete investigation of the discovery materials provided.

22 5. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excludable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,
9 United States Code, § 3161(h)(7)(B)(i), (iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED Defendant's reply deadline to the government's
12 response currently set for August 31, 2022, be vacated and extended to September 14, 2022.

13 DATED this 25th day of August 2022.

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15 UNITED STATES MAGISTRATE JUDGE
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